THE MASSACHUSETTS OLIGARCHY.

AMONG the older generation of American historians, it has been customary to depict the Massachusetts colony as a place of refuge from oppression, and as the birthplace of American freedom. Because the first settlers fled from the persecution of Archbishop Laud, it has been inferred that they were devotees of liberty. This picture is correct, except in so far as it emphasizes one side of the history of the colony to the utter exclusion of the other side. In its relation with the mother country, Massachusetts did stand for religious freedom and political self-government, but it was very different as regards its internal polity. The government established by the first settlers, far from being a democracy, was in fact an oligarchy which excluded the great mass of the freemen, as well as the Anglicans, from any real share in the management of the colony. The early internal history is a tale of the struggle not only of the Anglicans to obtain a share in the government, but also of the majority of the colonists to limit the power of the ruling class—that is, to change the oligarchy into a democracy. This purpose the colonists sought to accomplish in three ways: they endeavored, first, to increase the power of the general court at the expense of that of the assistants; secondly, to abolish the aristocratic standing council; and thirdly, to obtain a codification of the laws.

By the terms of the Charter of the Massachusetts Bay Company, great power was put into the hands of the freemen, as the commonalty of the association were termed. They were to meet at least four times a year, and more often if necessary. At the Easter meeting they were to elect from among themselves a governor, a deputy governor, and eighteen assistants, and to pass all necessary laws and ordinances, provided only that these were not repugnant to the laws of England.[1] It is

[1]Hazard, "Historical Collections," I., 239.

not surprising, however, that for a time after the transfer of the Charter, in 1629, from Old to New England, the new settlement should have been managed principally by the magistrates, and that the freemen should have voluntarily surrendered a portion of their powers. The starting of the colony was a difficult task, and one that needed the guidance of skilled and experienced hands. It was not altogether unnatural that the body of the people should have hesitated to assume such a responsibility. Moreover, as Hutchinson says, "So much of their attention was necessary in order to provide for their support that little business was done by the assistants or by the general court." Also, "The removal of the Charter made many new regulations necessary," as, for instance, "that the governor and deputy, for the time being, should be justices of the peace, [and] four of the then assistants . . . justices."[2]

The first general court was held in the autumn, about three months "after their arrival," and was attended "not by a representative, but by every one, that was free of the corporation, in person. . . . The governor and assistants had a great influence over the court."[3] This was shown by the order that in the future "the ffreemen should have the power of chusing assistants, when these are to be chosen, and the assistants from amongst themselves to chuse a Governor and Deputy Governor, whoe, with the Assistants, shall have the power of making lawes and chusing officers to execute the same."[4] Likewise, at the next general court, held May 18, 1631, "For explanation of an order made the last Generall Court, . . . it was ordered nowe, . . . that once in every year at least, a General Court shall be holden, att which Court it shall be lawfull for the comons to propound any person or persons whome they shall desire to be chosen Assistants, and if it be doubtful whether it shall be the greater part of the comons or not, it shall be put to the poll. The like course to be holden, when they, the

[2]Hutchinson, "History of the Colony of Massachusetts Bay." Second Edition, I., 25.

[3]Ibid.

[4]"Massachusetts Records," I., 79.

comons, shall see cause for any defect or misbehaviour to remove any one or more of ye Assistants."[5] As Palfrey says, "In the form of a grant of privileges to the freemen, this was clearly a substitution of the invidious and difficult process of removal for the irresponsible freedom of the annual election *de novo* which was contemplated by the Charter. And, accordingly, there is no record of an election of Assistants this year."[6]

However, this "departure from the Charter"[7] was of short duration, as in the following May this part of the power which they had surrendered was returned to the freemen. The fundamental cause of the change was, doubtless, that the firm establishment of the colony made such concentration of authority no longer necessary. But the immediate cause was the independence of the little village of Watertown. In February, 1632, the assistants levied a tax of £60 upon several of the settlements, in order to raise money for the fortification of Newtown. When the commission for the collection of this tax reached Watertown, "the pastor and elders, etc., assembled the people and delivered their opinions, that it was not safe to pay moneys after that sort, for fear of bringing themselves and posterity into bondage." "The ground of their errour," Winthrop explains, "was, for that they took their government to be no other but as of a mayor and aldermen, who have not power to make laws or raise taxations without the people;" or as their descendants expressed it, no taxation without representation. As a matter of fact, nevertheless, the men of Watertown were but claiming the rights granted them in their charter and of which they had been deprived, though, indeed, with their consent. However, "divers of Watertown," being summoned before the governor and assistants at Boston, "made a retractation and submission under their hands; . . . understanding that this government was rather in the nature of a parliament."[8]

In spite of their submission, the resistance of the men of Wa-

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[5]"Massachusetts Records," I., 87.

[6]Palfrey, "History of New England," I., 349.

[7]Hutchinson, I., 26.

[8]Winthrop, "The History of New England," edited by James Savage, I., 70.

tertown had its results in the next general court, held on the fourteenth of May, 1632. This does not mean that the little town was directly responsible for the changes then inaugurated, but that probably its independence stimulated the other towns to resistance. Already on the first of May, the governor informed the assistants "that he had heard that the people intended, at the next general court, to desire that the assistants might be chosen anew every year, and that the governor might be chosen by the whole court, and not by the assistants only." At this, "Mr. Ludlow grew into passion," but the matter "was cleared in the judgment of the rest of the Assistants."[9] Accordingly, in May, "It was generally agreed upon . . . that the Governor, Deputy Governor, and Assistants should be chosen by the whole Court of Governor, Deputy Governor, Assistants, and freemen, and that the Governor shall alwaies be chosen out of the Assistants." The influence of the Watertown affair is seen especially in the order "that there should be two of every plantation appointed to conferre with the court about raising of a publique stock."[10]

Thus far the freemen had regained their rights of election, but all legislative power was still in the hands of the assistants. However, in 1634, "The people began to grow uneasy, and the number of freemen being greatly multiplied, an alteration of the constitution seems to have been agreed upon or fallen into by a general consent of the towns."[11] Accordingly, eight towns sent delegates to the General Court of that spring, "to meet and consider of such matters as they were to take order in at the same General Court."[12] These deputies at once "desired a sight of the patent, and, conceiving thereby that all their laws should be made at the General Court, repaired to the Governor to advise with him about it." At this conference Winthrop admitted that some form of representation would ultimately be necessary, but he considered that that time had not yet come. "Yet this," he thought, "they might do at present:

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[9]Winthrop, I., 74.
[10]"Massachusetts Records," I., 95.
[11]Hutchinson, I., 35.
[12]"Massachusetts Records," I., 46; Winthrop, I., 128.

namely, they might at the General Court make an order, that, once in the year, a certain number should be appointed, upon summons from the Governor, to revise all laws, etc., and to reform what they found amiss therein; but not to make any new laws, but prefer their grievances to the Court of Assistants." Winthrop agreed also "that no assessment should be laid upon the country without the consent of such a committee, nor any lands disposed of."[13]

But Winthrop's influence over the colonists was much weakened at this time. Consequently his advice was only partly followed, and more sweeping changes than he had suggested were made. Thus it was agreed, "that none but the Generall Court hath power to make and establish lawes, nor to elect and appoint offices, . . . or to remove such upon misdemeanor, as also to sett out the dutyes and powers of the said officers, . . . or to rayse moneys and taxes, and . . . to give and confirm properties." These newly regained powers were safeguarded by the order, "that there shall be foure Generall Courts held yearely, to be summoned by the Governor, . . . and not to be dissolved without the consent of the major parte of the Court."[14]

So far the deputies had merely reassumed their Charter rights, but now a decided innovation was made. "It was further ordered, that it shall be lawful for the freemen of every plantation to chuse two or three of each towne before every General Court, to conferre of and prepare such public business as by them shall be thought fitt to consider of att the next General Court, and . . . shall have the full power and voices of all the said freemen . . . the matter of election of magistrates and other officers onely being excepted, wherein every freeman is to give his own voice."[15] This order marks an important point in the government of the colony, as these representatives formed the nucleus of the lower house, or the court of deputies as it was termed. Still the freemen were

[13]Winthrop, I., 128, 129.
[14]"Massachusetts Records," I., 117, 118.
[15]"Massachusetts Records," I., 117.

not yet satisfied, and "to show their resentment"[16] for what they considered the usurpation of the assistants, they imposed a fine of £10 "upon ye Court of Assistants, and Mr. Mayhewe, for breach of an order of Court against imployeing Indeans to shoote with peeces."[17]

However, it must be said for the credit of the colonists that, "This ffine of X£ was remitted by the Court."[18] In this one court therefore the freemen had not only reassumed certain powers and gained other charter rights for the first time, but in establishing the representative system they had even gone beyond the terms of their Charter. Their influence in the government was henceforth assured.

It was but natural that this new system of representation, together with the growth of the colony, should make it necessary to give more power into the hands of the deputies. Thus in March, 1635, the "deputyes of severall townes" when "met togeather,"[19] could decide cases of contested elections. Likewise in March, 1639, voting by proxy was permitted in elections.[20] This method, however, proved unsatisfactory, and accordingly, in June, 1641, the court decreed, "that in every towne which is to send a deputy to the court, . . . the freemen . . . for every ten freemen [are] to choose one, to be sent to the court, with power to make election for all the rest."[21] Another consequence of the establishment of the representative system was naturally a struggle between these immediate representatives of the people, and their less direct substitutes, the assistants. The result of this conflict was most fortunate, as it led to the separation of the court into two houses, the court of the assistants and the court of the deputies. Hitherto the governor, deputy governor, assistant, and deputies had all sat as one body.

The struggle began over the question of the "negative vote,"

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[16]Hutchinson, I., 36.
[17]"Massachusetts Records," I., 118.
[18]Ibid. In the margin.
[19]"Massachusetts Records," I., 142.
[20]Ibid., I., 188.
[21]Ibid., 333-4.

as the veto power of the assistants was termed. The controversy first arose in 1635, when Mr. Hooker applied to the court for permission to settle on the Connecticut River. "Of 21 members of the lower house, 15 were for their removal; but of the magistrates, the governor and two assistants only were for it, . . . but still as the lower house was so much more numerous than the upper, the major part of the court was for it. This decision was the occasion of first starting about the negative veto. The deputies or representatives insisted the voice of the major part of the assistants was not necessary. The assistants refused to give up their rights, and the business came to a standstill." A day of humiliation was therefore appointed, on which Mr. Cotton preached to the court with such effectiveness, that, "he prevailed upon the deputies to give up the point at that time." "Here was a crisis," Hutchinson continues, "when the patricians, if I may so stile them, were in danger of losing a great parte of their weight in the government."[22] But the abolition of the negative vote would have affected not only the influence of the magistracy, but would have deprived the colony as a whole of a most important check on hasty legislation. This victory of the magistrates was given formal recognition by the court of the following March, when it ordered "that noe lawe, order, or sentence shall passe as an act of the Court without the consent of the greater parte of the magistrates on the one parte, and the greater number of the deputyes on the other parte."[23]

However, as Hutchinson says, the deputies gave up this point only "at that time." In 1643, the question was once more revived by a very homely cause, but with most important results. The humble origin of this dispute was a pig claimed by both a certain Captain Keayne and a Mrs. Sherman. Keayne had not only won his case in two courts, but also gained £40 damages in a counter suit for slander. From these decisions Mrs. Sherman appealed to the general court, with the result that two magistrates and fifteen deputies passed favorably on her case, while a majority of the former and a minority of

[22] Hutchinson, I., 44, 45. [23] "Massachusetts Records," I., 170.

the latter voted against her. Though a compromise was soon reached regarding the case itself, "the sow business had started another question, about the magistrates' negative voice in the general court. The deputies generally were very anxious to have it taken away; whereupon one of the magistrates wrote a small treatise, wherein he laid down . . . how it was fundamental to our government, which, if it were taken away, would be a mere democracy. But almost immediately it was answered by another pamphlet, written likewise, according to rumor, by a magistrate. This "the deputies made great use of in their court, supposing they had now enough to carry the cause clearly with them, so as they pressed earnestly to have it presently determined."[24]

The magistrates wisely answered that it was a matter of too "great concernment to be hastily decided" or "without the advice of the elders." "It was the magistrates' only care to save time, that so the people's heat might be abated, for then they knew they would hear reason."[25] Fortunately, the influence of the elders was given to the side of the magistrates, and a treatise was written by one of their number against the abolition of the negative vote, and the establishment of a pure democracy. Nor was the confidence of the rulers in the fundamental good judgment of the people misplaced, as at the next general court one of their most wise and important acts was passed. This was as follows: "Forasmuch as, after long experience, wee find divers inconveniences in the manner of our proceeding in Courts by magistrates and deputies siting together, and accounting it wisdome to follow the laudable practice of other states who have layd groundworks for government, . . .

"It is therefore ordered, first, that the magistrates may sit and act business by themselves, by drawing up bills and orders which they shall see good in their wisdome, which haveing agreed upon, they may present them to the deputies to bee considered of, . . . and accordingly to give their assent or dissent, the deputies in like manner siting apart by themselves, and consulting about . . . orders and laws, . . . which

[24]Winthrop, II., 118, 119. [25]Ibid.

agreed upon by them, they may present to the magistrates, who, according to their wisdome, . . . may consent them or disallow them; and when any orders have passed the approbation of both magistrates and deputies, then such orders to bee ingrossed, and in the last day of the Court to bee read deliberately, and full assent to bee given."[26]

The question of the negative vote was thus settled in a way that preserved the independence of both the magistrates and the deputies, while retaining at the same time that most necessary preventive of hasty legislation and of the tyranny of the majority. This prerogative of the magistrates seems, however, for some time to have been a sore point with the deputies. Accordingly, in the following year, a more remarkable compact was made between the two houses, by which the magistrates agreed to abandon this most important privilege. The reasons for it were that, "The Court, finding that the over number of deputies drew out the courts into great length, and put the country to excessive charges . . . did think fit . . . to have only 5 or 6 out of every shire; and because the deputies were still unsatisfied with the magistrates' negative vote, the magistrates agreed to lay it down, so as the deputies might not exceed them in number, and those to be the prime men of the country, to be chosen by the whole shires." Apparently therefore, even the magistrates did not realize the full value of the veto as a curb upon rash legislation, or that it was something more than a protection to the minority. Fortunately, "they agreed first to know the mind of the country. But upon trial, the greater number of towns refused it."[27]

Unqualified approval can be given to the magistrates in their struggle to retain the veto power, but this may not entirely be done in their attempts to establish an aristocratic standing council. Nor did they meet with the same complete success. According to a letter of Cotton to Lord Say and Sele, it was due to the latter's influence that such a council was created.[28] However that may be, the general court enacted on the third of

[26]"Massachusetts Records," II., 58, 59.
[27]Winthrop, II., 214.
[28]Hutchinson, I., Appendix III.

March, 1636, "that the Generall Court, to be holden in May nexte, for elecon of magistrates, and soe from tyme to tyme, as occacon shall require, shall elect a certaine number of magistrates for tearme of their lyves, as a standing counsaile, not to be removed but upon conviccon of crime, insufficiency, or for some other waightie cause."[29] Accordingly, on the twenty-fifth of May, John Winthrop and Thomas Dudley were chosen to this place, and Henry Vane, "by his place of governour, was president of this council for his year."[30] Its duties were dual; first, the management of the trade with the Indians, and secondly, the conducting of "military affaires."[31] In the following May, "John Endecott, Esq., was chosen to bee one of the standing counsell for the tearme of his life."[32] As no others were ever added to this number, it will readily be seen that this board never played a very important part in colonial history.

Indeed, in its original form this body lasted only three years, as in 1639 it became merely a committee of the magistrates. In May of that year, according to Winthrop, "There fell out at this court another occasion of increasing the people's jealousy of their magistrates—viz., one of the elders . . . declared his judgment that a governor ought to be for his life." This proposition was received "by the people, not as a matter of dispute, but as if there had been some plot to put it in practise." The result of this agitation was a resolution of the court, "That whereas our sovereign lord, King Charles, etc., had by his patent established a governour, deputy, and assistants, that therefore no person chosen a counsellor for life, shall have any authority as a magistrate, except he were chosen in the annual elections to one of the said places of magistracy established by the patent." Undoubtedly there was legal justification for this action on the part of the deputies, whatever spirit may have prompted it. Apparently the magistrates realized it, as the demand was completely, though evasively, granted. "The intent of the order," they replied, "was, that the standing council

[29] "Massachusetts Records," I., 167.
[30] Winthrop, I., 184-5.
[31] "Massachusetts Records," I., 179, 183.
[32] Ibid., I., 195.

should always be chosen out of the magistrates, etc.; and therefore it is now ordered, that no such counsellor shall have any power as a magistrate, etc., except he be annually chosen, etc., according to the patent." However, Winthrop admits that this was not true, as was indeed clearly proved by the presence in the council of Endicott, who was not a magistrate. "This order," Winthrop acknowledges, "was drawn up in this form that it might be of less injury to make this alteration rather by way of explanation of the fundamental order, than without any cause shown to repeal that which had been established by the serious advice of the elders, and had been in practice two or three years without any inconvenience."[33]

Even in this modified form, the standing council was not free from attack. In 1642, Mr. Saltonstall, one of the assistants, wrote a treatise against it as "a sinful innovation." Accordingly, the governor in the May court of that year "moved to have the contents examined," but the deputies would take no action "unless the author should first be acquitted of any censure." This was finally agreed to, and the matter was, as usual, referred to "the elders." Their decision, given in October, was in the nature of a compromise. They declared their belief in the standing council, but considered Mr. Saltonstall free of any evil intent in attacking it. Moreover, "this council, as counsellors, have no power of judicature," but, on the other hand, "In case of instant danger to the commonwealth, before a general court can be called, (which were meete to be done with all speed) what shall be consented unto by this council, . . . together with the consent of the magistrates, . . . may stand good and firm till the general court."[34] Meanwhile, in June, the general court had voted "to vindicate the office of the standing council . . . from all dishoner and reproach cast upon it . . . in Mr. Saltonstall's booke."[35]

Notwithstanding their defense of the council, the deputies were not satisfied. Only two years later it was again necessary to send for the elders, "to reconcile the differences between the

[33]Winthrop, I., 301-303.
[34]Winthrop, II., 64, 65, 89, 90.
[35]"Massachusetts Records," II., 21.

magistrates and deputies."[36] The controversy arose over "a commission which the deputies sent up, whereby power was given to seven of the magistrates and three of the deputies, and Mr. Ward (sometime pastor of Ipswich . . .) to order all affaires of the commonwealth in the vacancy of the general court." In fact, the deputies were now, in their turn, exceeding their charter rights in attempting to create a standing council. The magistrates were therefore justified in making the following objections: "1. That this court should create general officers which the freemen had reserved to the court of elections. 2. That they should put out four of the magistrates from that power and trust which the freemen had committed to them." The answer of the deputies was that "the governor and assistants had no power out of court but what was given them by the general court."[37] Accordingly, "the first question put to these [the elders] was . . . whether the magistrates are, by patent and election of the people, the standing council of this commonwealth in the vacancy of the general court . . . and when any necessary occasions call for action from authority, in cases where there is no particular express law provided, there to be guided by the word of God, till the general court give particular rules in such cases." To this query the elders replied affirmatively "on the magistrates' behalf." But as concessions were made to the freemen on other points, "most of the deputies were now well satisfied concerning the power of the magistrates."[38] At least the question of the standing council was dropped, and no further attempts were made by the legislature to encroach unduly upon the executive in this direction.

In the conference with the elders in 1644, one of the most mooted questions was the extent of the judicial authority of the magistrates. This power had always been regarded with suspicion by the people, and it was probably owing to their jealous fears that the agitation for the codification of the laws was begun. It was the old story of the struggle between patrician and plebian, although the motives of the Massachusetts

[36]Winthrop, II., 204-5. [37]Winthrop, II., 167-8. [38]Ibid., 204-209.

magistrate in resisting this demand were undoubtedly higher than those actuating his Roman prototype. The people desired some more binding and less elastic rules than "the word of God," and "thought their condition very unsafe, while so much power rested in the discretion of the magistrates." But "most of the magistrates and some of the elders" were not "very forward in this matter" because of two very sensible reasons. "One was, want of sufficient experience of the nature and disposition of the people, considered with the condition of the country and other circumstances, which made them conceive that such lawes would be fittest for us which should arise upon occasion . . . 2. For that it would professedly transgress the limits of our charter, which provide we shall make no laws repugnant to the laws of England, and that we were assured we must do. But to raise up laws by practice and custom had been no transgression."[39]

As early as March, 1635, the agitation was begun and carried on without success until 1641, when the Body of Liberties was finally drafted. In this contest the weapon of the magistrates was, as Palfrey puts it, "a good-natured procrastination."[40] This method of warfare is seen in the utter disregard of the magistrates for the requests of the deputies, and in the appointment of committees in which "whatsoever was done by some, was still disliked or neglected by others."[41] For example, in both the March and May courts of the year 1635, a committee of magistrates was chosen "to make a draft of such laws as they should judge needful for the well ordering of this plantation, and to present the same to the court."[42] Apparently nothing was even attempted by these commissions, yet, undaunted, the court in the following May appointed another, decreeing that meanwhile the "magistrates and their associates shall . . . determine all causes according to the lawes now established, and where there is noe law, then as neere the lawe

[39]Winthrop, I., 322-3.
[40]Palfrey, "History of New England," II., 22.
[41]Winthrop, I., 322.
[42]"Massachusetts Records," I., 137, 147.

of God as they can."[43] But only one of this committee of eight ever served. This one was Mr. Cotton, who at the next general court "did present a copy of Moses his judicials, compiled in an exact method, which were taken into further consideration till the next General Court."[44] The draft, however, was never accepted, and for three years the matter was dropped.

In 1638 the struggle was renewed with new tactics, for in March the general court ordered "that the freemen of every towne . . . within this jurisdiction shall assemble together in their severall townes, and collect the heads of such necessary and fundamental lawes as may bee sutable to the times and places, . . . and the heads of such lawes to deliver in writing to the Governor before the 5th day of the 4th month, called June, next, to the intent that the Governor, together with the rest of the standing counsell," and others especially appointed, "may . . . make a compendious abrigement of the same by the Generall Court in autumne next, addying . . . or detracting therefrom, . . . that so the whole worke being perfected, . . . it may be presented to the General Court for confirmation or rejection."[45] After a patient wait of fifteen months, the general court ordered, in June, 1639, "that the Marshall shall give notice to the Committee about the body of laws, to send unto the next General Court such drafts of laws as they had prepared, for the court to take order about them what to settle."[46] Only two drafts, however, were presented, and these had been drawn up by Mr. Cotton and Mr. Ward. Although the magistrates were "not very forward in this matter," "at length to satisfy the people, . . . the two modes were digested, with divers alterations . . . and sent to every town, to be considered of first by the magistrates and elders, and then to be published by the constable to all the people, so if any man should think fit, that anything therein ought to be altered, he might acquaint some of the deputies therewith against the next court." "But still it came to no effect."[47]

[43] "Massachusetts Records," I., 175-6.
[44] Winthrop, I., 202.
[45] "Massachusetts Records," I., 222.
[46] Ibid., I., 262.
[47] Winthrop, I., 322-3.

In 1641 the contest was again renewed, but with a very different result. In fact, it was no longer a contest, as the magistrates heartily coöperated with the deputies in the work, for apparently they realized that their two great objections to the codification of the laws were now not applicable. Beginning with June, the matter was pushed forward rapidly, until in December the general court "established the hundred laws which were called The Body of Liberties. They . . . had been revised and altered by the court, and sent forth into every town to be further considered of, and now again in this court they were revised, amended and presented."[48]

In spite of its long duration, this struggle for the codification of the laws aroused almost no ill feeling toward the magistrates. Although this is not so true of the disputes over the negative vote and the standing council, it is a striking fact that a remarkable confidence was shown by the deputies in the very men they were attacking, by the constant reëlection of the same persons to office. Indeed, the freemen were very instrumental in establishing the oligarchy. Thus in the fourteen years with which this article deals—that is, from 1630 to 1644—Winthrop was governor at different times nine years, and Dudley deputy governor seven years. The same assistants were also chosen again and again. To be sure, the three years of Winthrop's uninterrupted rule from 1630 to 1633 resulted in a marked decline in his popularity, and in a suspicious dread of his power. The crisis was probably brought about by the election sermon of Cotton, in which he declared that "a magistrate ought not to be turned into the condition of a private man without just cause, and to be publicly convict."[49] The answer of the general court of 1634 was the election of Dudley in place of their old leader, and their refusal to reëlect any governor until 1637, when Winthrop was once more chosen. It must be remembered that for these three years Winthrop had been almost an absolute ruler, and that this court of 1634 reclaimed the lost privileges of the freemen. Thus, it was not surprising that the people should regard with suspicion even their great bene-

[48]Winthrop, II., 55. [49]Ibid., I., 132.

factor. However, as the power of the freemen became more assured, Winthrop regained his popularity. The old confidence was so restored that, instead of being less frequent, long terms of rule by one man became more so. A striking example of this is seen in the election of 1643, when in the annual sermon a certain Ezekiel Rogers, of Rowley, "dissuaded them earnestly from choosing the same man twice together." Yet, "when it came to trial, the former governor, Mr. Winthrop, was chosen again."[50]

The Massachusetts people therefore appreciated their great men and realized the importance of having strong and experienced leaders, even though at times they sought because of their jealous fears to check unduly the power of the executive. Wintrop, however, said truly that "here it may be observed, how strictly the people would seem to stick to their patent, where they think it makes for their advantage, but are content to decline it, where it will not warrant such liberties as they have taken up without warrant from thence, as appears in their strife for . . . deputies."[51] But while a strongly centralized government was undoubtedly necessary during the first years of the struggling settlement, on the other hand the vigilance and independence of the freemen served its purpose. It prevented, in the first place, the permanent establishment of an oligarchical government, and, in the second place, the excessive growth of the executive at the expense of the legislature. Such a contest was bound to occur in a new commonwealth before the several parts of the administration could be adjusted to one another, and before the people and their magistrates could learn that true freedom was secured through an equitable division of power between the two branches of government.

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[50]Winthrop, II., 99. [51]Ibid., I., 303.